

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Tuskawilla Acres Future Land Use Change and Rezone

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter **CONTACT:** Tony Walter *TW* **EXT.** 7375

Agenda Date 03/01/06 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

MOTION/RECOMMENDATION:

1. Recommend DENIAL of a request to amend the Future Land Use designation of 5.5 ± acres from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District), located at 4777 Gabriella Lane, approximately 1050 feet east of Tuskawilla Road, based on staff findings, (William H Abbot, applicant); or
2. Recommend APPROVAL of a request to amend the Future Land Use designation of 5.5 ± acres from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District), located at 4777 Gabriella Lane, approximately 1050 feet east of Tuskawilla Road, based on staff findings, (William H Abbot, applicant); or
3. CONTINUE the item to a time and date certain.

District 2 – Commissioner Dallari

Tony Walter, Planning Manager

BACKGROUND:

The applicant is requesting to amend the Future Land Use designation of 5.5 ± acres from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District). The subject property is located at 4777 Gabriella Lane, approximately 1050 feet east of Tuskawilla Road. The Future Land Use designation of the subject

Reviewed by: _____
Co Atty: *[Signature]*
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2006-02

property is SE, which permits a maximum density of 1 dwelling unit per acre.

STAFF FINDING:

The applicant is proposing to change the Future Land Use designation from SE (Suburban Estates) to LDR (Low Density Residential) and to change the zoning from A-1 (Agriculture) to R-1AAA (Single Family Dwelling District) on a 5.5 ± acre site located at 4777 Gabriella Lane, approximately 1050 feet east of Tuskawilla Road. The requested Future Land Use Change would permit up to 4 dwelling units per net buildable acre and the zoning classification would permit single family development on lots having a minimum of 13,500 square feet in size and 100 feet in width. The subject site is located in the Suburban Estate Future Land Use designation, the property is programmed under the Vision 2020 Plan for a maximum of 1 dwelling unit per net buildable acre. The applicant's property is surrounded by parcels with SE (Suburban Estates) Future Land Use and A-1 (Agriculture) zoning to the North, East, and West. The parcels to the South and Southwest do have a Future Land Use of Low Density Residential and Medium Density Residential; however, the sections that are contiguous to the subject site are wetlands.

In 1995 the County conducted the Bear Gully Creek Small Area Study. The Study found that the majority of the residents wanted to maintain the community as a large lot residential neighborhood as an alternative housing choice within the urbanized area. Although the study area was designated as Low Density Residential (LDR) in the Comprehensive Plan since 1977, the most intensive zoning in the area was A-1 (1 acre lots) for more than thirty years. The neighborhood had developed primarily into 2 ½ to 5 acre lots within the study area with the majority of the community believing that the surrounding properties would be developed in a manner and density that was compatible with the existing development and that protected their suburban estates lifestyle.

The Study also found that stormwater and drainage problems negatively impact much of the land within the study area. The unimproved drainage systems put in place for agricultural uses needed to be improved before more intensive urban development could occur. The internal traffic circulation system within the study area was substandard and not designed to serve more intense urban development. Since much of the land in the study area was already developed as large acreage lots, one house per acre was considered an increase in density over the current use of the surrounding development. In December 1995 the Board of County Commissioners changed the Future Land Use of the study area from LDR (Low Density Residential) to SE (Suburban Estates).

Staff finds that the analysis in the Bear Gully Creek Small Area Study is still valid and that the request is not compatible with the Future Land Use and zoning of the area.

STAFF RECOMMENDATION:

Staff recommends DENIAL of a small scale land use amendment from SE (Suburban Estates) to LDR (Low Density Residential), and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District).

ATTACHMENTS:

Staff Report
Location Map
Zoning & Future Land Use Map
Aerial Map

Tuskawilla Acres SSLUA from SE to LDR (02-06SS.02) Rezone from A-1 to R-1AAA (Z2006-02)		
APPLICANT	William H Abbott	
PROPERTY OWNER	Bernice A Abbott	
REQUEST	Small Scale Land Use Amendment from SE (Suburban Estates) to LDR (Low Density Residential) & Rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District)	
PROPERTY SIZE	5.5 ± acres	
HEARING DATE (S)	P&Z: March 1, 2006	BCC: April 25, 2006
PARCEL ID	25-21-30-300-038A-0000 & 25-21-30-300-038B-0000	
LOCATION	4777 Gabriella Lane, 1050 ± feet east of Tuskawilla Road	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture District)	
FILE NUMBER	Z2006-02 / 02-06SS.02	
COMMISSION DISTRICT	#1 – Dallari	

Proposed Development:

The applicant is proposing to rezone the subject property to accommodate a development of 3-4 dwelling units per acre. The applicant will not be developing the property.

ANALYSIS OVERVIEW:

LAND USE / ZONING REQUEST

The applicant is requesting to amend the Future Land Use designation of 5.5 ± acres from SE (Suburban Estates) to LDR (Low Density Residential) and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District). The subject property is located at 4777 Gabriella Lane, approximately 1050 feet east of Tuskawilla Road. The Future Land Use designation of the subject property is SE, which permits a maximum density of 1 dwelling unit per 1 acre. The following table depicts the allowable zoning classifications for the current Future Land Use of SE (Suburban Estates) and the requested designation of LDR (Low Density Residential):

Land Use Designation	Allowable Zoning Classifications	Density
SE (Existing)	A-1 / Agriculture RC-1 / Country Homes PL1 / Public Lands and Institutions PUD / Planned Unit Development RM-3 (4) / Travel Trailer Park and Campsites	1 DU/AC
LDR (Proposed)	R-1 / Single-Family Dwelling R-1A / Single-Family Dwelling R-1AA / Single-Family Dwelling R-1AAA / Single-Family Dwelling R-1AAAA / Single-Family Dwelling A-1 / Agriculture RC-1 / Country Homes PL1 / Public Lands and Institutions PUD / Planned Unit Development	4 DU/AC

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested district of R-1AAA (Single-Family Dwelling):

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (R-1AAA)
Minimum Lot Size	43,560 square feet	13,500 square feet
Minimum House Size	N/A	1,600 square feet
Minimum Width at Building Line	150 feet	100 feet
Front Yard Setback	50 feet	25 feet
Side Yard Setback	30 feet	10 feet
(Street) Side Yard Setback	25 feet	25 feet
Rear Yard Setback	10 feet	30 feet
Maximum Building Height	35 feet	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Zoning District	Permitted Uses	Special Exception	Minimum Lot Size
A-1 (existing)	Citrus or other fruit crop cultivation, truck farms, plant nurseries & greenhouses (not retail), poultry & livestock production, grazing of pasture animals, home occupations & home offices, roadside fruit stands (when grown onsite), government owned buildings (except utilities), public & private elementary schools,	Cemeteries & mausoleums, kennels, hospitals, public & private schools (nursery through college), temporary asphalt plants, etc	1 acre
R-1AAA (proposed)	Single-family dwelling and their customary accessory uses. Boathouses and boat docks as accessory uses, providing the roof of said boathouse does not exceed ten (10) feet above the mean-high-water line. Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents. Public and private elementary schools. Home offices.	Churches with their attendant educational, recreational buildings, and off-street parking. Public and private middle schools and high schools. Parks and recreational areas publicly owned and operated. Public utility and service structures. Guest cottages. Subdivision sewage treatment and water plants. Boathouses with roofs exceeding ten (10) feet above the mean-high-water line. Assisted living facilities and community residential homes housing 7-14 permanent unrelated residents (including group homes and foster care facilities). (j) Communication towers. (k) Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area	13,500 square feet

COMPATIBILITY WITH SURROUNDING PROPERTIES

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)		
SE Single-Family A-1 (1 acre lots)	SE Single-Family A-1 (1 acre lots)	SE Single-Family A-1 (1 acre lots)
SE Single-Family A-1 (1 acre lots)	SE Single-Family/Vacant A-1 (1 acre lots)	SE Single-Family A-1 (1 acre lots)
LDR Single-Family R-1AAA (13,500 sq. ft. lots)	LDR Single-Family R-1AAA (13,500 sq. ft. lots)	MDR Condo Units PUD
(South)		

- * **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map number 564, an area of on the south portion of the property (1.7 ± acres) is located in "Zone A", which is identified as areas located within the 100-year floodplain. Compliance with the Land Development Code regarding flood prone areas is required prior to the issuance of any building permits.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, a small area on the northeast portion of the property (0.5 ± acres) contains wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

A Threatened & Endangered Species Survey and Species of Special Concern Survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has elected to defer Concurrency review at this time and therefore, has submitted an Affidavit of Concurrency Review Deferral. The applicant is required to undergo Concurrency review prior to subdivision approval.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	1,750	7,700	5,950
Sewer (GPD)	1,500	6,600	5,100
Traffic (ADT)	48	211	163
Schools			
Elementary	1	5	4
Middle	1	3	2
High	1	3	2

* Proposed development on straight zoning is based on maximum units (22) permitted using gross acreage.

Utilities:

The site is located in the service area of Seminole County and will be required to connect to public utilities. Water capacity for new development is limited in the Southeast Service Area. Capacity availability for this project will be determined during the Concurrency process. There is an 8-inch water main on the south side of Gabriella Lane and a 6-inch force main on the west side of Tuskawilla Road approx. 1,175 feet to the west. This parcel is in the ten year master plan for reclaimed water and will be required to connect upon availability. A separate irrigation system will be required such as a shallow well; will be required until reclaimed water becomes available. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses Gabriella Lane. Gabriella Lane is a local road with no measured LOS and insufficient right-of-way. Staff has determined that the owner will be required to dedicate a 40' half (7' additional) right of way along property frontage on Gabriella

Lane. Gabriella Lane is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 11 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	05/06 Enrollment	Percent Capacity
Red Bug Elementary	5	840	973	86.3%
Tuskawilla Middle	3	1154	1420	73.1%
Lake Howell High	3	2249	2363	90.4%

Public Safety:

The nearest response unit to the subject property is Station # 23, which is located at 4810 Howell Branch Road. Based on a response time of 2 minutes per mile, the estimated response time to the subject property is 3 minutes. The County level-of-service standard for response time is 5 minutes per Policy PUB 2.1 of the Comprehensive Plan.

Drainage:

The proposed project is located within the Howell Creek Drainage Basin. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in common open space. Per Section 30.1344 (e), the common open space may include landscape buffers, recreational areas accessible to all residents, as well as the preservation of floodplain areas, wetlands and other natural resources.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant the running of the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is not within any special districts.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 2.5: Transitional Land Uses

Policy FLU 12.4: Relationship of Land Use to Zoning Classification

Policy POT 4.5 Potable Water Connection

Policy SAN 4.4: Sanitary Sewer Connection

Policy PUB 2.1 Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

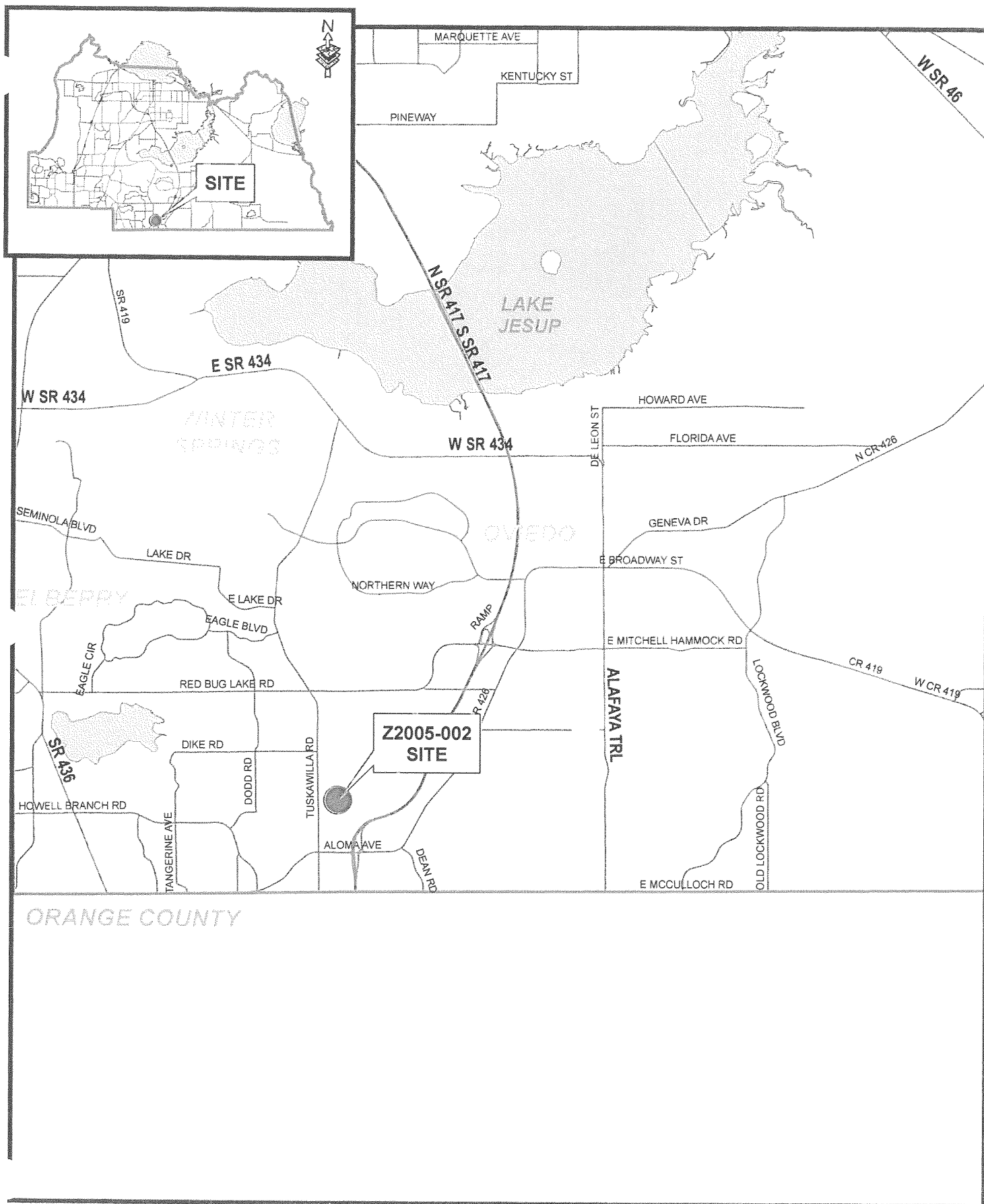
Intergovernmental notices were sent to the Seminole County School District on February 14, 2006. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

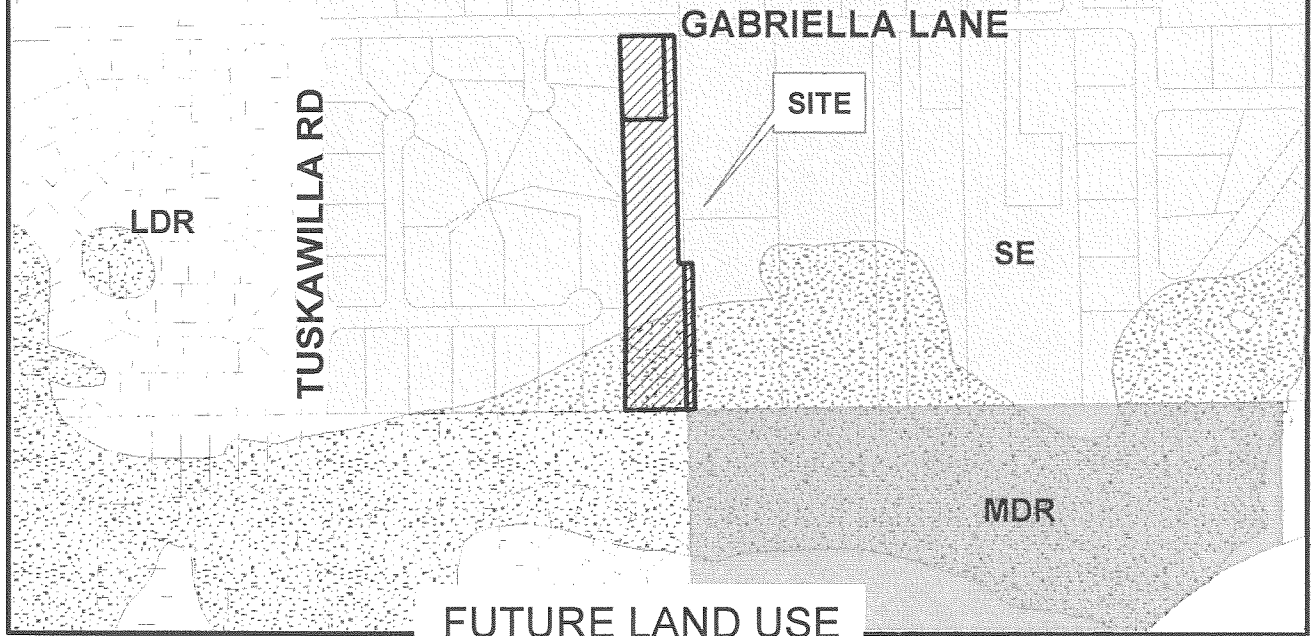
At this time, Staff has received no letters of support or opposition

STAFF RECOMMENDATION:

Staff recommends DENIAL of a small scale land use amendment from SE (Suburban Estates) to LDR (Low Density Residential), and rezone from A-1 (Agriculture District) to R-1AAA (Single-Family Dwelling District).



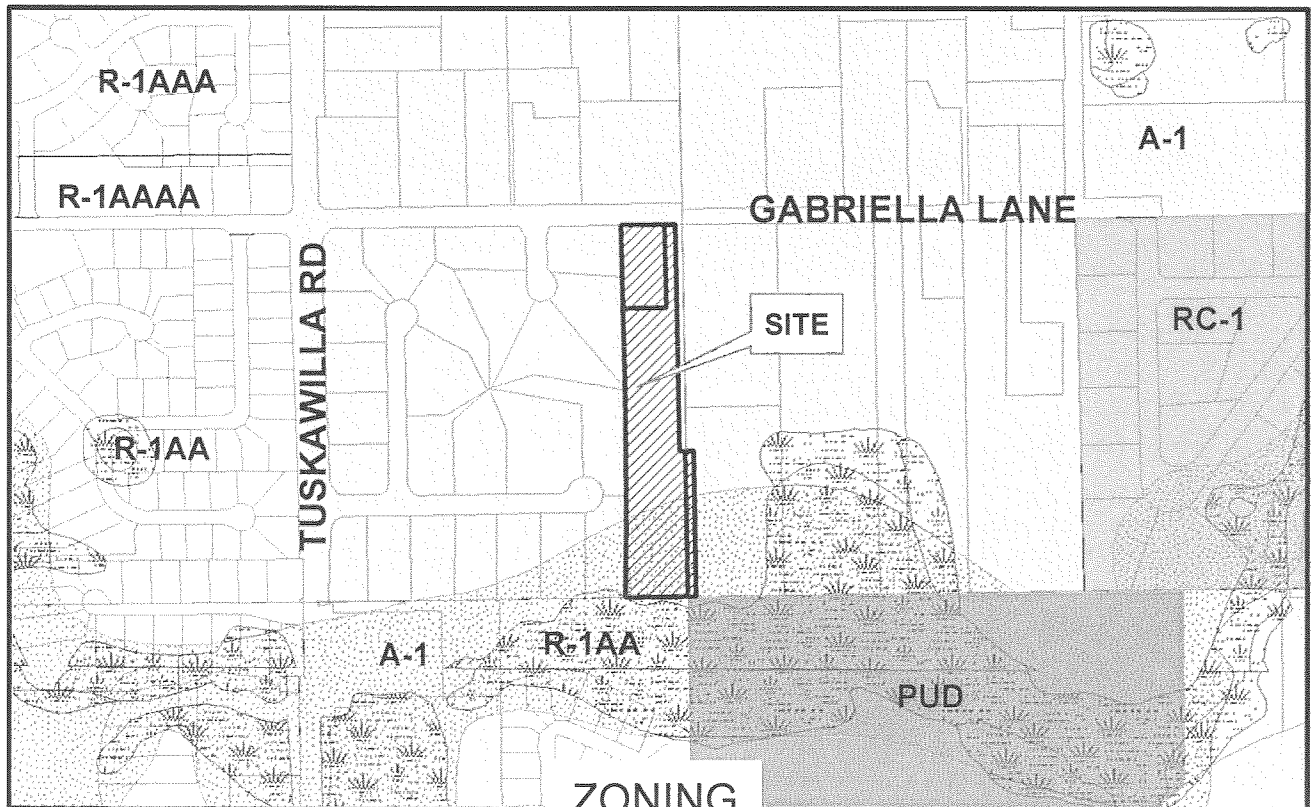
The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Site
 Municipality
 LDR
 MDR
 SE
 CONS

Applicant: William and Bernice Abbott
 Physical STR: 25-21-30-300-038A-0000
 Gross Acres: 6.11 acres +/- BCC District: 1
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	02-06SS.02	SE	LDR
Zoning	Z2006-02	A-1	R-1AAA



A-1
 R-1AA
 R-1AAA
 R-1AAAA
 RC-1
 PUD
 FP-1
 W-1



FLU No: 02-06SS.02
 From: SE To: LDR
 Rezone No: Z2006-002
 From: A-1 To: R-1AAA

☐ Parcel
☐ Subject Property



January 2004 Color Aerials